

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

Maria Theresa C. Vinluan

Plaintiff	Case Number
vs.	
Ardsley Union Free School District and Jeanne Farruggio	
Defendant	

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

Maria Theresa C. Vinluan, individually and
on behalf of D.V., and Matthew Vinluan,

Plaintiff	Case Number
vs.	19-cv-06496
Ardsley Union Free School District and Jaspan Schlesinger, LLP, and individually, Jeanne Farruggio, Rudy Arietta, James Matera, Lauren Allan, Steven Kastin, Carol Melnick, Thomas Fischer, and Lena Martino	
Defendant	

Status of Earlier Filed Case:

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Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

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Open

(If so, set forth procedural status and summarize any court rulings.)

19-CV-06496 was filed on July 12, 2019 by the same plaintiff (Maria Theresa C. Vinluan) against the same defendants (Ardsley Union Free School District, its personnel Jeanne Farruggio, and its attorney, Carol Melnick). 19-cv-06496 has been accepted by the presiding judge, Hon. Nelson S. Roman, as being related to this newly filed case's predecessor (19-cv-10674). The defendants have submitted a Motion to Dismiss 19-CV-06496, to which the then pro se plaintiff has submitted an opposition brief. The parties are awaiting a decision on that motion.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

Like its predecessor (19-cv-10674), this newly filed case shares with 19-cv-06496 common defendants and common issues--e.g. the manner by which the defendant school district ensures (or fails to ensure) that the Plaintiff's children meet the State curriculum's learning standards in the subject of Career Development and Occupational Studies (CDOS).

Both this newly filed complaint and 19-cv-06496 involve the question of whether the accommodations the school district provided each student were appropriate; or if--by promoting the students from grade to grade and eventually having them graduate without having demonstrated the commencement level CDOS performance standards established for all students--the school district effectuated curriculum modifications that were inappropriate and unreasonable under Section 504 of the Rehabilitation Act and under the ADA, insofar as they constituted fundamental alterations in the educational program and in the expectations for nondisabled diploma recipients.

Both 19-cv-06496 and this newly filed complaint challenge the ruling of the State Review Officer (SRO) insofar as they contend that the school district's decision to issue a diploma is NOT outside the jurisdiction of the SRO when the plaintiff's challenge to the diploma alleges the imposition of disability based discriminatory performance standards and invidious animus, and do not ONLY involve purely academic issues as a basis for that decision.

To the extent that the current complaint also sets forth a Section 1983 claim for arbitrary, capricious, and selective enforcement of policies, the newly filed complaint also utilizes the defendants' actions in 19-cv-06496 to establish a pattern of such arbitrary conduct while serving as comparators for issues pertaining to selective enforcement.

Signature: s/Maria Theresa C. Vinluan

Date: June 16, 2021

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